

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
ex rel. TRAKHTER,)	
)	
Plaintiff-Relator,)	
)	No. 1:11-CV-00217-TSB
vs.)	
)	JUDGE BLACK
PROVIDER SERVICES, INC.,)	
et al.,)	
)	
Defendants.)	

**RELATOR TRAKHTER’S FIRST AMENDED MOTION FOR ATTORNEYS’ FEES,
COSTS AND EXPENSES UNDER 31 U.S.C. § 3730(d)**

Plaintiff, Vladimir Trakhter (“Trakhter” or “Relator”), by and on behalf of his attorneys, moves for an award of reasonable attorneys’ fees, costs and expenses following the successful resolution of these False Claims Act claims, 31 U.S.C. § 3729, *et seq.*

1. In July 2017, a \$19.5 million global settlement was reached between the United States, Relator and Defendants to resolve False Claims Act claims brought by Trakhter (and relators in Case No. 1:12-CV-00935).

2. Trakhter is therefore a prevailing party against Foundations Health Solutions, Inc. f/k/a Provider Services, Inc. and BCFL Holdings, Inc., and Olympia Therapy, Inc. (collectively “Defendants”).

3. The False Claims Act provides that a relator may receive a percentage of the proceeds recovered by the Government, and that “[a]ny such person shall also receive an amount for reasonable expenses ... necessarily incurred, plus reasonable attorneys’ fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.” 31 U.S.C. § 3730(d)(1).

4. Hochman Plunkett Co., L.P.A. (“HP”) and Korein Tillery, LLC (“KT”) (collectively “Relator’s Counsel”) seek recovery of their reasonable attorneys’ fees, costs and expenses under the Act. HP and KT are law firms that represented Trakhter in this matter from its inception in 2010 through the date of settlement.

5. HP incurred fees of \$541,078.50 for 1,045.17 hours expended in this matter through May 4, 2017, plus litigation costs and expenses of \$4,488.90.

6. KT incurred fees of \$854,062.85 for 2,016.74 hours expended in this matter through April 27, 2017, plus litigation costs and expenses of \$20,891.60.

7. Relator’s Counsel also seek fees necessarily incurred in the preparation and litigation of this motion.

8. This motion (Doc. No. 40) is brought within fourteen days of filing the stipulation for dismissal to the extent Fed.R.Civ.P. 54(d)(2)(B) applies.

9. Relator’s Counsel filed suggestions in support of this motion within the 45-day period specified in Local Civil Rule 54.2.

WHEREFORE, Relator prays for entry of an order directing Defendants to pay at least \$541,078.50 in fees and \$4,488.90 in costs and expenses to Hochman Plunkett Co., L.P.A. and at least \$854,062.85 in fees and \$20,891.60 in costs and expenses to Korein Tillery, LLC, plus interest, together with all such further relief as the Court deems just and proper. Expenses will be reimbursed to Relator Trakhter.

Respectfully Submitted,

/s/ James Hochman
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CO-COUNSEL FOR PLAINTIFF-RELATOR TRAKHTER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the 7th day of September, 2017 by using the CM/ECF system, which will send notification to the following counsel:

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I hereby certify that a copy of the foregoing was served on the 7th day of September, 2017 via U.S. Postal Service, postage prepaid, on the following counsel:

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